

PLANNING COMMISSION REPORT



MEETING DATE: July 12, 2006

ITEM NO. _____ GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT **Minor Amendments to ESL - 6-TA-2006**

REQUEST Request to approve a text amendment to Article VI. Supplementary District., Section(s) 6.1010. Environmentally Sensitive Lands Ordinance of the City of Scottsdale Zoning Ordinance (455) to amend Section. 6.1011. Purpose., Section. 6.1060. Open Space Requirements., and Section. 6.1100. Maintenance and violations. and to add Section 6.1035. Site Preparation limitations. The intent of this amendment is to protect undeveloped desert areas from being grading or scarred before a specific development plan on a property has been approved by the city.

Key Items for Consideration:

- This ordinance amendment will assure that potential natural areas will be protected until the city has approved plans for a property.

Related Policies, References:

This is an amendment to the Environmentally Sensitive Lands Ordinance (ESLO).

APPLICANT CONTACT Don Hadder
City of Scottsdale
480-312-2352

LOCATION ESL area

BACKGROUND **Zoning.**
This is a text amendment that would affect areas covered by the ESL zoning overlay. This text change will provide a similar protection to what was provided under the previous Hillside Ordinance.

APPLICANT'S PROPOSAL **Goal/Purpose of Request.**
The intent of this amendment is to protect undeveloped desert areas from being grading or scarred before a specific development plan on a property has been approved by the city. This will help to assure that sensitive natural features that could and should be included in Natural Area Open Space (NAOS) are not compromised or damaged before the proper dedications area made.

Key Issues.

This will hopefully deter pre-grading and clearing on properties before there has been a full review of the site conditions and a specific development plan has been established.

IMPACT ANALYSIS**Open space, scenic corridors.**

This proposal will help to protect areas that will be designated as open space in future development plans.

Policy Implications.

This amendment will further the intent of the 2004 revisions to the ESLO that focused on the priorities for locating NAOS areas, with particular emphasis on washes.

Community Involvement.

A public open house was held in June for this proposal. General comments have been in support of the proposal.

Community Impact.

This will help to protect existing natural desert areas and will reduce open scarred areas which can generate dust and are prone to erosion.

**STAFF
RECOMMENDATION****Recommended Approach:**

Staff recommends approval.

**RESPONSIBLE
DEPT(S)**

Planning and Development Services Department
Current Planning Services

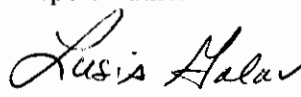
STAFF CONTACT(S)

Don Hadder
Principle Planner
480-312-2352
E-mail: dhadder@ScottsdaleAZ.gov

APPROVED BY



Don Hadder
Report Author



Lusia Galav, AICP
Current Planning Director

ATTACHMENTS

1. Proposed Language
2. ESL Map
3. Citizen Involvement

PROPOSED ESL GRADING AMENDMENTS 7-5-06

SEC. 6.1035. SITE PREPARATION LIMITATIONS

NO PERSON SHALL GRADE, CLEAR, GRUB, REMOVE PLANTS OR CONDUCT ANY OTHER FORM OF CONSTRUCTION OR SITE PREPARATION UPON A PROPERTY UNTIL:

- A. 1. THE DEVELOPMENT REVIEW BOARD HAS APPROVED A SITE PLAN INCLUDING A NATURAL AREA OPEN SPACE (NAOS) PLAN AS PART OF A CASE OR PRELIMINARY PLAT, OR
- 2. THE CITY STAFF HAS APPROVED BUILDING PLANS OR OTHER SUCH PLAN SUBJECT TO CITY APPROVAL, INCLUDING A NATURAL AREA OPEN SPACE PLAN, AS APPLICABLE, AND
- B. APPROPRIATE PERMITS HAVE BEEN ISSUED.

SEC. 6.1060. OPEN SPACE REQUIREMENTS

A. NAOS REQUIREMENTS

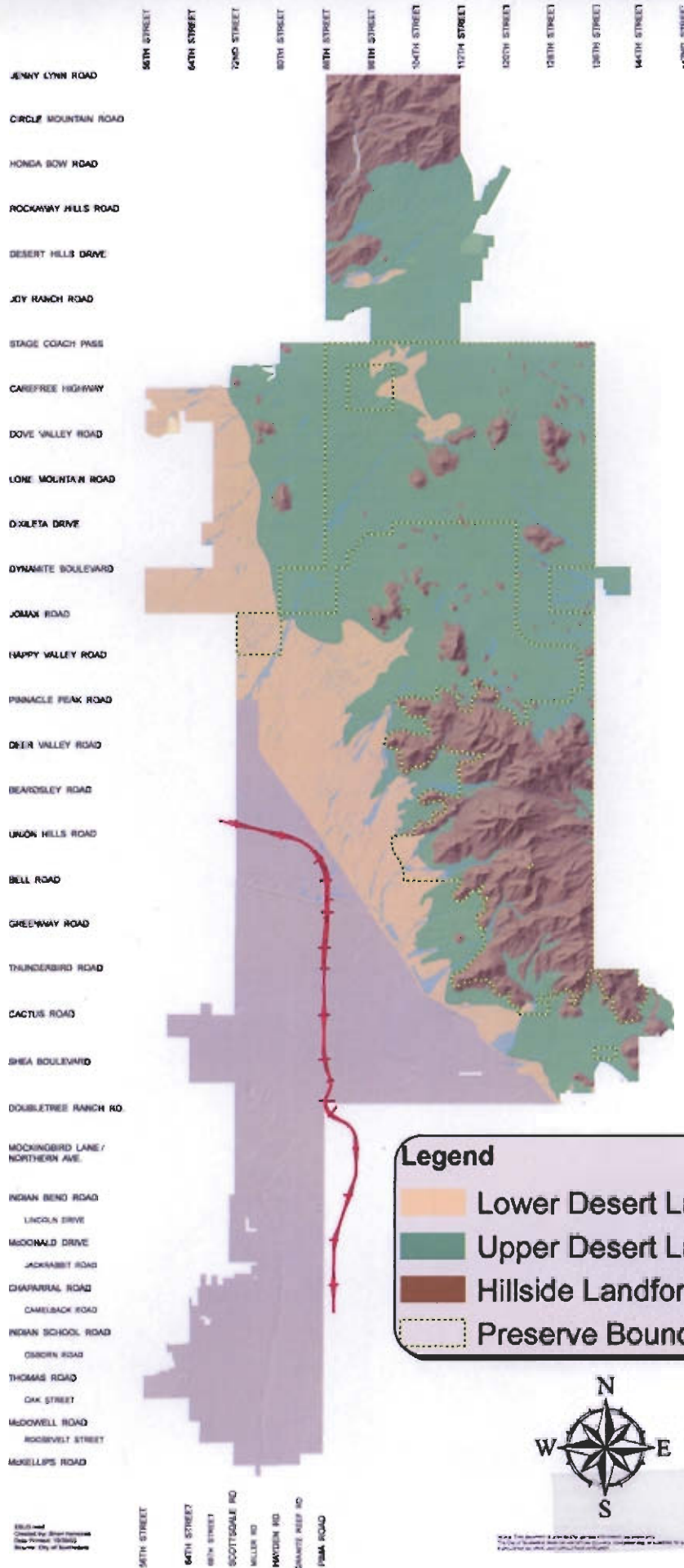
- 7. UNTIL RECORDATION OF A DOCUMENT SHOWING THE DEVELOPMENT REVIEW BOARD APPROVED OR STAFF APPROVED NAOS LOCATION, ALL LAND WITHIN A PROJECT IS CONSIDERED POTENTIAL NAOS AND SHALL BE LEFT IN ITS NATURAL TOPOGRAPHIC AND VEGETATIVE CONDITION.

SEC. 6.1100. MAINTENANCE AND VIOLATIONS

C. VIOLATIONS

- 4. IN ADDITION TO THE PENALTIES PROSCRIBED IN SECTION 1.1402, AN OWNER OR OWNER'S AGENT WHO IS FOUND IN VIOLATION OF SECTION 6.1035 SHALL FULLY RESTORE THE PROPERTY TO ITS NATURAL TOPOGRAPHIC AND VEGETATIVE CONDITION, TO THE SATISFACTION OF THE ZONING ADMINISTRATOR OR DESIGNEE. THE RESTORATION SHALL BE COMPLETE WITHIN ONE HUNDRED TWENTY (120) DAYS AFTER THE FINDING OF VIOLATION. FAILURE TO COMPLETE RESTORATION WITHIN ONE HUNDRED TWENTY (120) DAYS IS DEEMED AUTHORIZATION FOR THE CITY TO COMPLETE RESTORATION AT THE EXPENSE OF THE PROPERTY OWNER. THE COST OF THE CITY'S RESTORATION SHALL BECOME A LIEN AGAINST THE PROPERTY. ALL FEES TO APPLY FOR DEVELOPMENT APPROVAL ON THE PROPERTY SHALL BE TWICE THE USUAL FEES FOR SUCH APPLICATIONS.

ESLO Landforms (Revised 12/ 2002)



ATTACHMENT #2

Citizen Review Plan: Proposed amendment to ESL related to protecting areas from being graded before a development plan has been approved

- 1. Which residents, property owners, homeowners associations, interested parties, political jurisdictions and public agencies may be affected by the application:**

Residential property owners and the development community may be impacted.

- 2. How those potentially affected by an application will be notified that an application has been made:**

- Inclusion in Development Update and Downtown Update – electronic bulletin distribution that reaches 4,541 subscribers
- Community Input Meetings on June 19 at the Community Design Studio and June 21 at the City's Water Campus, 8787 E. Hualapai
- Display Ads for input meetings (*Tribune* on June 14)
- Sent postcards on input meetings to HOAs in the ESL area
- Fact sheet on Projects website and on Open House web page
- Media briefings with *Tribune* reporters

- 3. How those potentially affected by an application will be informed of the substance of the proposed application:**

- Fact sheet on city website
- Development Update and Downtown Update
- Community Development Contacts Fax list
- E-mail notice to key stakeholders

- 4. How those potentially affected by an application will be given an opportunity to discuss the application with the applicant and express their issues or concerns prior to the first public meeting:**

- June 19 and June 21 – citizen review opportunity/meeting; distribution of draft text
- E-mail or phone to project coordinator (Randy Grant and Don Hadder)

- 5. The applicants schedule (city as applicant) for completing the citizen review process:**

- May 10 – Initiated by the Planning Commission
- June 28 – Planning Commission hearing
- August 29 – City Council hearing (Tentative)

- 6. The method(s) by which the applicant will keep the City staff informed on the status of the citizen participation efforts.**
Not applicable, city initiated text amendments.



Seeking Community Input

ON PROPOSED REVISIONS TO THE CITY OF SCOTTSDALE ZONING ORDINANCE

The city of Scottsdale is hosting two open houses on June 19 and June 21 to provide information and solicit input on several proposed changes to the city's Zoning Ordinance (the same information will be provided at both meetings):

Monday, June 19, 2006

5:30 to 7 p.m., Community Design Studio, 7506 E. Indian School Rd.

Wednesday, June 21, 2006

5:30 to 7 p.m., Scottsdale Water Campus, 8787 E. Hualapai

You are cordially invited to learn more about six proposed zoning ordinance amendments that relate to a variety of issues including minor modifications to the Environmentally Sensitive Lands Ordinance (ESL) -- the zoning overlay that regulates the northern 2/3rds of Scottsdale; proposed regulations related to spacing between private and charter schools in large lot residential districts; prohibiting aircraft in residential districts; and considerations for restrictions on non-residential uses in residential districts.

- Private/Charter school spacing in large lot residential districts (1-TA-2006);
- Side Yard setbacks for properties zoned ESL (2-TA-2006);
- Prohibition of aircraft in residential districts (4-TA-2006);
- Restrictions on non-residential uses in residential districts (5-TA-2006);
- Minor amendments to the ESL ordinance (6-TA-2006); and
- Zoning ordinance definitions clarification (7-TA-2006)

The Planning Commission will review these proposed amendments at a future public hearing and then their recommendation will be forwarded to the City Council. City Council review will occur in the fall of 2006.

City representatives will be available to provide information and respond to questions. Project fact sheets for the proposed text amendments are available on the city's web site at: <http://www.scottsdaleaz.gov/projects/OpenHouse/2006/June/06-19-06.asp>

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Please Sign In

Zoning Ordinance Amendments Open House

Monday June 19, 2006

Community Design Studio, 7506 E. Indian School Rd.

PLEASE SIGN IN LEGIBLY – AND IF AVAILABLE, PLEASE INCLUDE YOUR E-MAIL – We will include your address on future communications related to this topic.

Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
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W.E. Shepherd	8939 N. 84 th Way	Scottsdale 85258		
Deanna Patnole	11529 N. 120 th St.	Scottsdale 85259		
Nancy Irwin	11515 N. 91 st St #264	Scottsdale 85260		
Elaine Jackson	8145 E. Osborn Rd	Scottsdale 85251		
DAVE ZEARING	8219 E. MALCOMB DR	SCOTTSDALE 85250		
Earlene Miller	3309 N 47 th Pl	Phx AZ 85018	cookimilla@cox.net	
Ronald Miller	3309 N. 47 th pl.	Phx AZ 85018		
Janet Leopold	11198 E. LAUREL LN	Scottsdale 85259	janet-leopold@cox.net	
Gary Meiner	5511 E. Calle Redondo	Phx, AZ 85018		
David Haeker	15550 N. FLW Bldg #1029	SCOTTSDALE AZ 85266		
BILL ZILAR	4130 E. INDIANOLA AVE	PHX 85018		

Please Sign In

Zoning Ordinance Amendments Open House

Monday June 19, 2006

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Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
Alicia Lillard	9450 E Becker Ln #1053A	Scottsdale 85260	alicia.millard@chew.edu	
Marlene C. Petersen, Sarah & Emily			Susan @ susanwheeler.com	
Susan Wheeler	9616 E Kahlil Dr	Scottsdale 85260		
LYNNE LAGARDE	3101 N. CENTRAL ST #1000	PHX 25016		602-265-0094
James L. Munier	4719 N 69 th St	Scottsdale AZ 85251		480-945-1600
Ruth C. Munier	4719 N 69 th St.	Scottsdale AZ 85251		480-945-1600
PATRICIA Badonech	5027 N 71 st	SCOT AZ 85253		480 949-9549
Deek White	10815 N. 84 th St.	.. . 85260		480-510-7070
Kevin Beaman	8620 E Pecos Lane	SCOT. AZ 85250		unlisted
Cheryl Jensen	5127 N Grant Reef	Scottsdale 85257	tlinc@msn.com	
Donna Lukemann	8521 E M th Lowell Rd #155	SCOTTSDALE 85257	d/luke@msn.com	
Jennifer Goughan	9759 E. Palm Ridge Dr.	Scottsdale 85260	je1964red@cox.net	
Robert Brouner	3243 N. 68 th St	Scottsdale 85261		
Sara Muskell	2400 N 71 st St #2400-L	Scottsdale 85257		

Community Design Studio, 7506 E. Indian School Rd.

MILAE HANS 8530 E. WINDSOR AVE. SC. AZ. 85257

Please Sign In

Zoning Ordinance Update

Wed. Thursday, June 21, 2006, 5:30 to 7 p.m.
Scottsdale Water Campus, 8787 E. Hualapai

PLEASE SIGN IN LEGIBLY - AND IF AVAILABLE, PLEASE INCLUDE YOUR E-MAIL - We will include your address on future communications related to this topic.

Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
DAWN BLOKAW	9909E Paradise Dr	85260		
Lorin Cunningham	110706 Almont Dr. FH,	85268	bcbg-0148@yahoo.com	
TERRY SCHEITZEL	756 W. TUMBLEWEED DR., GILBERT,	85233	pastor@scos.us	
ROBERT & ROSE SAMPNER	29334 N. 108th PL Scottsdale	AZ 85262	robertsampler@cox.net	
Marcia Kifer	9201 E. Happy Valley Rd Scottsdale	AZ 85255		
TERRY CRIST	10749 N. 121st PL. SCOTTSDALE	AZ 85259		
Paula Lester	9985 E. Cactus Rd Scottsdale	AZ 85260		480-748-1788
Mary Lough	5400 E. Via Los Caballos	PN AZ 85253		(480) 443-8195
Linda Whitehead	9681 E. Chuckwagon Ln	Scottsdale 85262		480 488-7093
Kathleen Repp	8325 E. Plaza Ave	Scottsdale, 85250		480-947-8680
Rockne Repp	8325 E. Plaza Ave.	Scottsdale, 85250		480-947-8680

Please Sign In

Zoning Ordinance Update

Thursday, June 21, 2006, 5:30 to 7 p.m.

Scottsdale Water Campus, 8787 E. Hualapai

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Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
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Joel Cunningham	16706 Almont Dr. Apt. 1	Fountain Hills, 85268	roller_03@hotmail.com	
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William J McLaughlin	10480 E. Clinton St	Scottsdale AZ, 85259	jay@qualityhealthinsurances.com	
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Carl James Johnson	7826 E Las Pintas	Scottsdale 85262		
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Mark Einersen	7500 E. Deer Valley Rd ¹⁶⁵	Scottsdale, 85255	mark@desertvista.org	
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Terry Crist III	10749 N. 122nd Pl.	Scottsdale 85259	terrycrist3@aol.com	
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John Lester	9985 E. Cactus Rd	Scottsdale 85260	480-748-1785	
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COOPER DOWNS	11620 E. SAHUARO DR #2041	SCOTTSDALE 85259	(480) 483-5139	
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Zoning Ordinance Update

Scottsdale Water Campus, 8787 E. Hualapai

PLEASE SIGN IN LEGIBLY – AND IF AVAILABLE, PLEASE INCLUDE YOUR E-MAIL – We will include your address on future communications related to this topic.

Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
AARON GREEN	11183 N. 107 th Way	SCOTTSDALE	AJ GREEN@QWEST.NET	480-767-3473
JUDEE GREEN	11183 N. 107 th Way	SCOTTSDALE	AJ GREEN@QWEST.NET	480-767-3473
JOSE Hernandez	11822 N. SUNDOWN DR	" "	Josehern@aol.com	
Arlene Hernandez	" "	" "	" "	
Wayne Tarter	9973 E. Camino del Surto	" "	Vocalize78@yahoo.com	
John Kissinger	21710 N 78 th Street	Scottsdale, AZ 85255	kissinger@cox.net	

Please Sign In

Zoning Ordinance Update

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Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
Jillan Wilson	9340 E REDFIELD RD	SCOTTSDALE 85260	JILLAN.E.LIZABETH@HAWAII.COM	
Susan Wheeler	9616 E KALI RD	SCOTT 85260	SUSAN@SUSANWHEELER.COM	
Donis Stutzman	10401 E Star of the Desert	85255		480-538-5153
Wayne Stutzman	10401 E Star of the Desert	Scotts. 85255		480-538-5155
Phillip Waring	7011 E. LONE MOUNTAIN RD.	85262		480 5020707
Yvonne Ball	8215 E. Mt Spring Rd.	85255		480 473-4886
Heather Hacker	15550 N FLW #1029	85260		
Tim + Bob Vairo	10040 E. Happy Valley Rd.	#451		480 585 4463

Please Sign In

Zoning Ordinance Update

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Name	Mailing Address	City and Zip Code	E-Mail	Phone (optional)
Theresa N. Johnson	8538 E. Berridge Ln.	Scottsdale 85250	JOHNSONTNTI@AOL.COM	480-922-3797
DAVID FRIEND	36061 N 85th PL	SCOTTSDALE 85262	PASTORS OFFICE@SCOTTSDALEFIRST.COM	480 367-8182
K.A. HITCHENS	11016 N. 109TH ST.	85259	kitt@quest.net	480-451-7418
Roxanne Hawbaker	8825 E. Sharn Dr.	Scottsdale 85260	jrexieh@hotmail.com	480-651-0768
Judy B. Wagner	9730 E. Adobe	Scottsdale 85253	JudyBWagner@cox.net	480-563-1953
Alexander Chouen	15160 N. Hayden Rd	Scottsdale 85260	Alexander.Chouen@remax.net	480-677-0763

COMMENT CARD

2 1/2 6 TA

Zoning Ordinance Amendments Open House
Monday June 19, 2006
Community Design Studio, 7506 E. Indian School Rd.

Please reference specific text amendment that input is related to, i.e. 1-TA-2006 or by topic

2 TA-2006 & 6 TA-2006

These are BOTH good text
amendments

Name: Susan Wheeler Address: 9616 E Kaled Dr E:mail: SUSAN
SCOTT 85260 SUSAN Wheeler
COM